IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 241 of 2002

in

SPECIAL CIVIL APPLICATIONNo 12018 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

and

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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CHIEF OFFICER

Versus

HARIJAN BHADHA NAGAR VDGDA

Appearance:

1. LETTERS PATENT APPEAL No. 241 of 2002

MS SEJAL K MANDAVIA for Appellant No.

MR DEEPAK P SANCHELA for Respondent with

MR ANAND L SHARMA for Respondent No. 1

..... for Respondent No. 2-5

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE KUNDAN SINGH

Date of decision: 18/06/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Admit. Upon caveat, Mr. D.P. Sanchela appears for the respondent no. 1 and waives service of notice on behalf of the respondent no. 1.

2. Upon the joint request of the learned advocates for the parties, this matter is taken up for final hearing today in view of the peculiar facts and special circumstances involved in the present appeal.

3. It is rightly jointly submitted that payment of retiral benefits to the original petitioner respondent before us, on the undisputed basic or amounts are required to be made since the dispute with regard to the entitlement of the last salary amount is under consideration before the Labour Court, Jungadh, in Recovery Application. The respondent has retired on 30-6-2000. Therefore, retiral benefits to be quantified in terms of money and ought to have been paid as expeditiously as possible and therefore after taking into account the peculiar facts and joint submissions as aforestated we direct the appellant to make payment of retiral benefits to the original petitioner which are not in dispute, within a period of six weeks from today, failing which it will be open for the respondents to move this Court for further directions or for breach of the order appropriately. In so far as disputed retiral benefits to be quantified in terms of money are concerned, the matter is pending before the Labour Court, Jungadh. Therefore, it will be decided pending before the Labour Court, in accordance with law.

4. With the above joint statements, observations and directions, this Letters Patent Appeal shall stand disposed of. There shall be no order as to costs.

(J.N. Bhatt, J.)

(Kundan Singh,)

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/JVSatwara/